

Message

From: Tina Tran [Tina.Tran@tceq.texas.gov]
Sent: 4/3/2019 11:33:26 PM
To: vistas@kmcoinc.com
CC: Quiroz Guadalupe_TCEQ [Guadalupe.quiroz@tceq.texas.gov]; Todd Thompson [Todd.Thompson@tceq.texas.gov]; Kevin McLeod [Kevin.McLeod@tceq.texas.gov]
Subject: TCEQ Information Request - NRC # 1241698

Ms. Vista Stewart, KMCO LLC,

On April 2, 2019, the TCEQ Emergency Response Team has received notification as required in 30 Texas Administrative Code (30 TAC) 327.3(b) and Texas Water Code 26.039. NRC # 1241698. **Under 30 TAC Chapter 327: Spill Prevention and Control Rules, a site or impacted area must be remediated to pre-release or background conditions.**

In accordance with 30 TAC 327.5(c), the TCEQ Houston Region requests that within 30 working days of the discovery of a reportable discharge or spill, the person responsible submit written information to the TCEQ Houston Regional Office describing the details and supporting the adequacy of the response. The documentation must contain **one of the following:**

1. Information from the initial notification, and a statement that the response to the discharge or spill has been completed and a description of how the response action was conducted showing that the spill was remediated to pre-spill or background conditions. If there is any change in response to the spill from initial notification, an updated notification must be provided in accordance with 327.3(e).
2. A request for an extension of time to complete the response no more than six months from the date of discharge or spill, along with the reasons for the request, and a projected work schedule outlining the time required to complete the response action. The Houston Waste Section Manager must approve the extension prior to proceeding with the requested extension schedule.
3. A statement and explanation that the discharge or spill response has not been, and is not expected to be, completed within the maximum allowable extension (six months from the date of the discharge or spill), along with a projected work schedule for completion of response action in accordance with Texas Risk Reduction Program (TRRP) 30 TAC 350.
4. If the Responsible Party chooses to conduct remediation under Texas Risk Reduction Program (TRRP) submit all required reports under 30 TAC 350.

Additional information should include:

1. **Response Chronology.** A chronology, listing times and dates, of the responses by the responsible person, as well as:
 - the nature of the responses, along with the name, address, and phone number of the response contractor as well as the name of a contact, if different than the responsible person;
 - the date and time of the first containment actions and the name of the individuals or company conducting these activities; and
 - detailed description of the containment equipment and personnel used and a description of the effectiveness of the initial response actions; etc.
2. **Meteorology.** Describe weather conditions during the incident and include a discussion of how the weather may have helped or hindered the cleanup.
3. **Reported Injuries.** Describe any injuries or fatalities.

4. **Remediation of Contamination.** Describe actions taken to remove or neutralize the substances discharged or spilled including:
 - The amounts of substances recovered and contained.
 - The amounts of substances lost to the environment.
 - If surface water was affected, the extent of contaminated water. Include a map showing the ditches, bayou and nearest water bodies. Provide a detailed description how the contaminated water was managed. If contaminated water was discharged under TCEQ authorization, provide authorization number.
 - If discharge was to air, a summary of all remedial actions taken including, but not limited to any evacuations.
 - If soil was affected, the amounts of substances removed. Include a scaled map showing the lateral and vertical extent of excavation.
5. **Sampling and Analysis.** A description of all sampling activities including:
 - A list of the persons collecting the samples.
 - A scaled map indicating the lateral and vertical location of the spill site samples, as well as, location of the background samples.
 - A table of the analyses performed and the analytical methods used.
 - The name and address of the laboratory conducting the analytical work. The NELAP certification number of the laboratory and the expiration date of the certification.
 - The name and address of the supplier of the sample containers.
 - A copy of the analytical results as reported by the laboratory to the responsible person.
 - A table of analytical results as compared to background or pre-release conditions or
 - A table of analytical results as compared remediation standards selected and justification for selecting the standards.
6. **Waste Classification and Disposal.** List the U.S. EPA and TCEQ waste-classification and waste-code numbers, along with—
 - Copies of any analytical results used to obtain the waste classifications as well as any correspondence from the TCEQ.
 - Any documentation used to support the Texas Waste Classification and Coding, including chemical constituents selected from analytical results, safety data sheets, and process knowledge.
 - A list of any temporary generator or transporter numbers used, if applicable.
 - Copies of the manifests and/or bill of lading for the shipment of the wastes to designated facility.
 - The name, address, and phone number of the facility receiving the waste.
 - TCEQ authorization numbers of facilities for storage, processing, treatment, recycling, or disposal of recovered substances and wastes generated as a result of remediation.
 - The amount of the disposition of any excavated substances, any recovered substances, and any additional wastes generated from the cleanup, including any on-site or off-site storage, processing, or treatment. If the material is stored at a location other than spill site, the responsible person must give the name, physical address, phone number, and TCEQ authorization for the storage facility.

See the below links for guidance documents:

Final Report Guidance

<https://www.tceq.texas.gov/response/spills/followup.html>

Spills: Cleanup and Waste Management

<https://www.tceq.texas.gov/response/spills/cleanup.html>

TRRP Guidance and Forms

<https://www.tceq.texas.gov/remediation/trrp/guidance.html>

If you have any questions concerning this matter, please contact our rotational ER Phone Duty personnel, Monday through Friday from 8 AM - 5 PM for further assistance at (713) 767-3563.

When addressing written correspondence, please use:

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Emergency Response Team, NRC # 1241698
TCEQ Houston Region
5425 Polk, St., Suite H.
Houston, Texas 77023

Thank you,

Tina Tran



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